

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 27, 2007

DIVISION ONE

B188100 Mattera (Not for Publication)
v.
Sobel et al.

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
Rothschild, J.

B192391 Gamboa (Not for Publication)
v.
California State Board of Equalization

The order is reversed. The trial court is directed to vacate its order sustaining defendant's demurrer without leave to amend and to enter a new and different order overruling the demurrer. Plaintiff is to recover costs on appeal.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
Rothschild, J.

DIVISION ONE (continued)

B191140 Kalior (Not for Publication)

v.
Silberberg et al.

The March 17, 2006, order denying Larry's motion for sanctions against Silberberg is affirmed. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

B190994 People (Not for Publication)

v.
Santistevan

The trial court is ordered to amend the abstract of judgment to reflect an award of 224 days of actual custody credit and 112 days of conduct credit, for a total precommitment credit of 336 days, and to forward a copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Rothschild, J.

DIVISION ONE (continued)

B188948 People (Not for Publication)

V.

David L. Robinson

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B193837 People (Not for Publication)

V.

Reyes

The sentences imposed on counts 3 and 4 are vacated, and the judgment is modified by increasing the \$20 fee imposed pursuant to section 1465.8, subdivision (a)(1) to \$100; in all other respects, the judgment is affirmed and the cause is remanded with directions to the trial court to (1) resentence Reyes on counts 3 and 4, (2) determine whether the sentences on counts 3 and 4 should be consecutive, (3) correct its minutes of the September 13, 2006 sentencing hearing to show that no sentence was imposed for the burglary conviction (count 1), and (4) issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

DIVISION ONE (continued)

B200427 Anastacia F. (Not for Publication)

v.

Superior Court, Los Angeles County
(Department of Children & Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

B191323 People (Not for Publication)

v.

Bankers Insurance Company

The order is reversed. The matter is remanded to the trial court with directions to vacate its order denying Bankers' motion to vacate forfeiture of bail and to exonerate the bond, to enter a new order granting the motion, and to vacate the summary judgment. Bankers is awarded its costs of appeal.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
 Rothschild, J.

B194284 People (Not for Publication)

v.

Marciano Eleodoro Reyes

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

DIVISION ONE (continued)

B179825 Cecilia Encarnacion et al. (Not for Publication)
v.
20th Century Insurance Company

The judgments in both B179825 and B182737 are affirmed. In B179825, the matter is remanded and the trial court is directed to allow Encarnacion to proceed on her claim for Brandt fees. The parties are to bear their own costs on appeal.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
Rothschild, J.

DIVISION TWO

B194062 Houston (Not for Publication)
v.
McEveety

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION TWO (continued)

B195276 Banuelos, et al. (Not for Publication)

v.

Banuelos, et al.

The judgment is affirmed. Plaintiffs are awarded their costs on appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

B193936 Byrnes (Not for Publication)

v.

Junior's Restaurant, Inc.

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

B197864 Los Angeles County, D.C.S. (Not for Publication)

v.

Nancy A.

The order terminating parental rights is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

September 27, 2007 (Continued)

DIVISION TWO (continued)

[illegible]

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B195586 People (Not for Publication)
v.
Scott

The judgment is affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

B191930 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B191687 People (Not for Publication)
v.
McCloud

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B193453 People (Not for Publication)
v.
Minjares

The judgment is modified to provide for a two-year term, pursuant to section 12022.5, subdivision (a), rather than the 10-year term imposed by the trial court. The abstract of judgment shall be modified to reflect actual custody credit of 597 days plus 298 days of presentence conduct credit, for a total of 895 days. The trial court is ordered to send a certified copy of the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

September 27, 2007 (Continued)

DIVISION TWO (continued)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

B195903 People (Not for Publication)
v.
Monk

The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

DIVISION THREE

B198872 People (Not for Publication)
v.
Reginald Sibley

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (continued)

B195610 William Little (Certified for Publication)

v.

Assessment Appeals Boards of the County of Los Angeles et al

The judgment denying the petition for writ of mandate is affirmed.
Respondents shall recover their costs on appeal.

Klein, P.J.

We concur: Croskey, J.
Aldrich, J.

B198872 People (Not for Publication)

v.

Reginald Sibley

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B192975 People (Certified for Publication)

v.

Marie Elaine Price

The judgment is affirmed. The motion to augment is granted.

Aldrich, J.

We concur: Croskey, Acting P.J.
Kitching, J.

DIVISION THREE (continued)

B190784 People (Not for Publication)
v.
Christopher Proffitt

The judgment is modified by vacating one of the section 667, subdivision (a), enhancements. The clerk of the superior court shall prepare an amended abstract of judgment to reflect these modifications, and forward the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B192308 People (Certified for Publication)
v.
Hector Rodriguez Galvan

The judgment is reversed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B190683 Taheri Law Group (Not for Publication)

The order denying Taheri's intervention motion is affirmed. Sorokurs shall recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (continued)

B18504 People (Not for Publication)
B190483 v.
Henry Alfredo Machuca and Joshua Joseph Mojarro

The judgments are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B190293 Harry McElroy (Not for Publication)
 B191588 v.
 B193304 Cynthia Pernell, et al.

The order invalidating the October 2005 election is affirmed. The order granting the special motion to strike is reversed with directions to deny the special motion to strike. The order awarding attorney fees and costs to the individual defendants pursuant to section 425.16 also is reversed. McElroy's request for attorney fees and costs related to the anti-SLAPP motion is denied. McElroy shall recover his costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (continued)

B193743 Mark E. Overland et al (Not for Publication)

v.

John A. Clarke, as Executive Officer and Clark, etc., et al

The judgment is affirmed. Respondents shall recover their costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B191416 Amerisource Mortgage, Inc. et al. (Not for Publication)

v.

McConville

The judgment is reversed. Appellant(s) to recover costs.

Willhite, J.

We concur: Epstein, P.J.
 Suzukawa, J.

B190958 Los Angeles Sentinel, Inc. (Not for Publication)

v.

Pye, Jr.

The judgment is reversed. Each party to bear their own costs.

Manella, J.

We concur: Willhite, Acting P.J.
 Suzukawa, J.

DIVISION FOUR (continued)

B180359 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B196292 Los Angeles County, D.C.S. (Not for Publication)
v.
Maximiliano V.

The order terminating parental rights is reversed. The matter is remanded to the juvenile court with instructions to entertain a request by Father, if he so desires, to continue reunification services. In the event Father does not make such a request, or the request is denied after due consideration, the court must enter an order concluding that although reasonable reunification services were not provided to Father, family reunification services are nonetheless terminated as to Father. The court may then reinstate the order terminating parental rights and freeing Andrew for adoption forthwith.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

September 27, 2007 (Continued)

DIVISION FOUR (continued)

B180359 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B191227 People (Not for Publication)
v.
Scott et al.

Scott's conviction is reversed. In all other respects, the judgment is affirmed. The matter is remanded for a new trial as to Scott only.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FIVE

B192537 People
v.
Rasheena Buchanan, et al

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B180130 Gabel (Not for Publication)

V.

Fidelity National Foreclosure Solutions

We affirm the judgment for damages and the order denying Gabel's motion for attorney fees. We affirm the orders denying FNFS's motion for JNOV and new trial. Each party is to bear its own costs.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B192458 People (Not for Publication)

V.

Roberson

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B194408 People (Not for Publication)

V.

Love

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (continued)

B191447 Retamco Operating, Inc. (Not for Publication)
 v.
 Paradigm Oil, Inc.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION EIGHT

B187968 People (Certified for Publication)
 v.
 Garcia

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
 Flier, J.

B192331 People (Not for Publication)
 v.
 Moye

The judgment is reversed and the case remanded for a new trial.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

September 27, 2007 (Continued)

DIVISION EIGHT (continued)

B189877 People (Not for Publication)
v.
Free

The judgment is affirmed. The superior court is directed to prepare amended abstracts of judgment in conformance with the views expressed in this opinion.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B186416 Dodson
v.
J. Pacific, Inc., et al.,

Filed order denying petition for rehearing.